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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,	)	Case No.: CR 5:20-mj-71080-MAG
	)	
Plaintiff,	)	
	)	<del>PROPOSED</del> DETENTION ORDER
v.	)	
	)	
JORGE URIEL ESQUIVEL-MENA	)	
	)	
Defendant.	)	
	)	

On July 29, 2020, defendant Jorge Uriel Esquivel-Mena was charged in Count One of an Indictment filed in the Western District of Washington with conspiracy to distribute 50 grams or more of methamphetamine, 500 grams or more of a mixture and substance containing cocaine, and fentanyl, in violation of 21 U.S.C. §§ 846 & 841(b)(1)(A) and (B). On or about August 5, 2020, the defendant was arrested in this District and subsequently brought before the Court for removal proceedings pursuant to Federal Rule of Criminal Procedure 5(c) (2) and (3).

This matter came before the Court on August 12, 2020 for a detention hearing. The defendant was present in custody and represented by Federal Public Defender Steve Kalar. Assistant United States

[PROPOSED] DETENTION ORDER  
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1 Attorney Jeff Nedrow appeared for the government. The government moved for detention, and the  
2 defendant opposed. At the hearing, counsel submitted proffers and arguments regarding detention.

3       Upon consideration of the facts, proffers and arguments presented, and for the reasons stated on  
4 the record, the Court finds by a preponderance of the evidence that no condition or combination of  
5 conditions will reasonably assure the appearance of the defendant as required. Accordingly, the  
6 defendant must be detained pending trial in this matter.

7  
8       The present order supplements the Court's findings and order at the detention hearing and serves  
9 as written findings of fact and a statement of reasons as required by Title 18, United States Code,  
10 Section 3142(i)(1). As noted on the record, the Court makes the findings set forth below as the basis for  
11 its conclusion. The findings are made without prejudice to the defendant's right to seek review of  
12 defendant's detention, or file a motion for reconsideration if circumstances warrant it.

13       The defendant faces a serious charge in the Western District of Washington. The government  
14 has proffered that defendant played an important role in the conspiracy. The allegations involve  
15 significant amounts of controlled substances. If convicted on Count One of the Indictment, the  
16 defendant faces a mandatory minimum sentence of ten years imprisonment. The serious nature of the  
17 charge and potential penalty provide the defendant with a clear incentive to flee.

18       In addition, the defendant has ties to Mexico. He is a native and citizen of Mexico. His parents  
19 and three brothers live in Mexico. He has lived in Mexico for most of his life. He is not a citizen of the  
20 United States. All of these facts demonstrate that the defendant has a realistic and proximate option  
21 available to him outside the United States if he chooses to flee.

22       According to the bail report, the strongest reason the defendant seemed to have not to flee was  
23 that he has been living with his wife and child for the last two years. A stable living situation with loved  
24 ones can indeed be a reason not to flee. However, information developed at the detention hearing  
25 indicates that his family is no longer residing with him. Further, Solano County records reflect that  
26 defendant's wife has obtained a protection order, indicating that defendant may be living apart from his  
27 family for the foreseeable future. Thus, we have a defendant with an incentive to flee, a place to go, and  
28 not much keeping him here.

1 The Court further finds that defendant has waived his right to further removal proceedings  
2 pursuant to Federal Rule of Criminal Procedure 5(c) (2) and (3).

3 Pursuant to 18 U.S.C. § 3142(i), IT IS ORDERED THAT:

4 1. The defendant be, and hereby is, committed to the custody of the Attorney General for  
5 removal forthwith to the Western District of Washington and confinement in a corrections facility  
6 separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody  
7 pending appeal;

8 2. The defendant be afforded reasonable opportunity for private consultation with counsel; and

9 3. On order of a court of the United States or on request of an attorney for the government, the  
10 person in charge of the corrections facility in which the defendant is confined shall deliver the defendant  
11 to an authorized United States Marshal for the purpose of any appearance in connection with a court  
12 proceeding.

13 IT IS SO ORDERED.

14 DATED: 8/12/2020

15   
16 HONORABLE THOMAS S. HIXSON  
17 United States Magistrate Judge  
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